

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HENRY WASHINGTON,	:	
	:	Civil Action No. 4:CV-08-1283
Plaintiff,	:	
	:	(Judge Jones)
v.	:	
	:	(Magistrate Judge Carlson)
JAMES L. GRACE, et al.,	:	
	:	Filed Via Electronic Case Filing
Defendants	:	

**APPENDIX TO DEFENDANTS' SECOND
MOTION FOR SANCTIONS AGAINST PLAINTIFF**

AND NOW, come the Defendants James L. Grace, *et al.*, by and through their attorney, Raymond W. Dorian, Assistant Counsel, and offer the following:

Deposition Transcript of Plaintiff, taken March 19, 2013.

Respectfully submitted,

Office of General Counsel

By: s/ Raymond W. Dorian
Raymond W. Dorian
Assistant Counsel
Attorney I.D. No. PA48148
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, Pennsylvania 17050
Phone No.: (717) 728-7763
Fax No.: (717) 728-0307
E-mail: rdorian@pa.gov

Dated: April 2, 2013

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HENRY WASHINGTON, :
Plaintiff, : Civil Action No. 4:CV-08-1283
v. : (Judge Jones)
JAMES L. GRACE, et al., : (Magistrate Judge Carlson)
Defendants : Filed Via Electronic Case Filing

CERTIFICATE OF SERVICE

I hereby certify that I am this day depositing in the U.S. mail a true and correct copy of the Appendix to Defendants' Second Motion for Sanctions against Plaintiff in the above-referenced matter.

Service by first-class mail
addressed as follows:

Henry Washington, AM-3086
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370-8090

s/ Rose A. White
Rose A. White
Clerk Typist II
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050
(717) 728-7763

Dated: April 2, 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

* * * * *

HENRY WASHINGTON,

*

Plaintiff

* Case No.

vs.

* 4:CV-08-1283

JAMES L. GRACE, et al., *

Defendants

*

* * * * *

DEPOSITION OF

HENRY WASHINGTON

March 19, 2013

ORIGINAL

Any reproduction of this transcript is prohibited
without authorization by the certifying agency.

1 DEPOSITION
2 OF
3 HENRY WASHINGTON, taken on behalf of the Defendants
4 herein, pursuant to the Rules of Civil Procedure, taken
5 before me, the undersigned, Candance L. Messich, a
6 Court Reporter and Notary Public in and for the
7 Commonwealth of Pennsylvania, at SCI-Greene, 175
8 Progress Drive, Waynesburg, Pennsylvania, on Tuesday,
9 March 19, 2013, beginning at 10:31 a.m.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 A P P E A R A N C E S

2

3 RAYMOND W. DORIAN, ESQUIRE

4 PA Department of Corrections

5 1920 Technology Parkway

6 Mechanicsburg, PA 17050

7 COUNSEL FOR PLAINTIFF

8

9 HENRY WASHINGTON, PRO SE

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 I N D E X
2

3 WITNESS: HENRY WASHINGTON

4 EXAMINATION

5 By Attorney Dorian

7 - 13

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

5

1

EXHIBIT PAGE

2

PAGE

3

NUMBER DESCRIPTION IDENTIFIED

4

NONE OFFERED

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 OBJECTION PAGE

2

3 ATTORNEY

PAGE

4

NONE MADE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

P R O C E E D I N G S

2

3 HENRY WASHINGTON, HAVING FIRST BEEN DULY SWORN,
4 TESTIFIED AS FOLLOWS:
5

6 EXAMINATION

7 BY ATTORNEY DORIAN:

8 Q. Mr. Washington, my name is Raymond Dorian. I'm
9 with the Pennsylvania Department of Corrections, Chief
10 Counsel's Office. I'm here for your second scheduled
11 deposition in your case that you filed against James L.
12 Grace, and others in the Middle District of
13 Pennsylvania. I'm going to ask you a series of
14 questions about your allegations. And if at any time
15 you don't understand me, stop me and I'll repeat the
16 question. If you do answer I will assume that the
17 answer you gave was the one you intended to give.

18 I ask that all your answers be verbal for the sake
19 of the court reporter. You should avoid nods of the
20 head, or grunts or that kind of thing. Is that
21 understood, Mr. Washington?

22 A. My life is in danger at this prison, sir. I need
23 safety. I'm going to be killed or abused in some way
24 for being here. I don't know how emphatically I got to
25 say it. I can barely talk, sir. I'm not ---.

1 Q. Could you please state your full name and inmate
2 number?

3 A. Sir, my life is in danger at this prison. I heard
4 your question. Nobody's refusing a deposition. I am
5 going to be killed at this prison.

6 Q. Will you please say your name and inmate number?

7 A. I heard your question and I'll say the same thing
8 again. For being at this prison, for being here at
9 this deposition, my life is in danger, sir. I'm not
10 safe at this prison. I'm afraid for my life. I don't
11 know how else to say it.

12 Q. Is your name Henry Washington?

13 A. Again, I heard your question and I'm trying to be
14 as clear as I can. Nobody is refusing the deposition.
15 I am willing and roaring to give a deposition. My life
16 is in distress. Sir, I can barely talk.

17 Q. Is your name Henry Washington?

18 A. I don't know if you can hear me or not but I am not
19 safe at this prison, sir. My life is in danger at this
20 prison. I'm going to be abused and retaliated against
21 for being at this deposition.

22 Q. What is your name, sir? What is your name?

23 A. Well, I don't know if you can hear me there. My
24 life is in danger at this prison, sir. I am in trouble
25 for being here at this deposition. I am willing and

1 roaring to get a deposition but I need safety. I'm
2 human like everyday else. I want to live. I can
3 barely talk.

4 Q. Is your name Henry Washington?

5 A. I'm in danger at this prison. My life is in danger
6 at this prison. I'm afraid for my life. I'm in
7 trouble for being here at this deposition.

8 ATTORNEY DORIAN:

9 Deb, could you identify yourself?

10 MS. BRUMAGE:

11 Yes. My name is Deborah Brumage. I'm
12 the Administrative Officer at SCI-Greene.

13 ATTORNEY DORIAN:

14 And how do you spell your last name?

15 MS. BRUMAGE:

16 B, as in boy, R-U-M-A-G-E.

17 ATTORNEY DORIAN:

18 Have you been able to hear all my
19 questions so far?

20 MS. BRUMAGE:

21 Yes.

22 ATTORNEY DORIAN:

23 And do you know who this witness --- who
24 this inmate is?

25 MS. BRUMAGE:

1 It's Henry Washington.

2 ATTORNEY DORIAN:

3 And what is his inmate number?

4 MS. BRUMAGE:

5 A-M as in Mary 3-0-8-6.

6 BY ATTORNEY DORIAN:

7 Q. Mr. Washington, as I indicated before, we're here
8 pursuant to a court order to ask you questions about
9 your claim. As the Judge indicated in that court
10 order, if you fail to cooperate with this deposition
11 and answer my questions, your case may be dismissed.
12 Are you aware of that, Mr. Washington?

13 A. My life is in danger at this prison. No matter
14 what I say you're pretending you can't hear it. I am
15 in danger at this prison. My life is in danger, sir.
16 I'm in trouble for being here at his deposition. Are
17 you insisting that I be retaliated against? Are you
18 insisting that I die so you can get a deposition? Are
19 you insisting ---?

20 Q. Mr. Washington, I'm not here to answer questions.
21 I'm here to ask you questions about your claim pursuant
22 to a court order from Judge Carlson. And if you
23 continue to refuse to answer my questions, I will seek
24 a motion for sanctions including dismissal of your
25 claim; is that understood?

1 A. I have answered --- I am doing all I can to answer
2 every question you asked me. You're refusing to accept
3 that. I have no idea why. I am willing and raring to
4 give a deposition. My life is in distress. I'm under
5 duress.

6 Q. What is your date of birth, Mr. Washington?

7 A. My life is in danger at his prison. I'm afraid for
8 my life, you know. I suffer from dementia. I got all
9 types of stuff because of abuse.

10 Q. I take that as a refusal to answer. What is your
11 marital status, are you married or single?

12 A. I have never refused to answer any of your
13 questions. Never, even the little time we've known
14 each other I've never refused to answer your questions.
15 My life is in danger at this prison.

16 Q. I take that as a refusal to answer my question.
17 Do you have any children, Mr. Washington?

18 A. My life is in danger at this prison. Sir, I'm
19 being abused. I'm being sexually abused and physically
20 abused. I'm being denied medical treatment. I can
21 barely talk.

22 Q. How far did you get in school, Mr. Washington?

23 A. My life is in danger at this prison. Sir, I am
24 going to be killed. I'm afraid for my life.

25 Q. Mr. Washington, are you serving a life sentence for

1 first degree murder?

2 A. I'm the one that's going to be murdered. I'm going
3 to be ---.

4 Q. My question was ---.

5 A. I'm going to be murdered here at this prison.

6 Q. My question was are you serving a life sentence for
7 a conviction of first degree murder, yes or no?

8 A. I am not refusing to do a deposition. I am willing
9 to do a deposition. My life is in danger here at this
10 prison. I'm exhausted just repeating what I'm saying.

11 Q. I take it that's a refusal to answer my questions.

12 Mr. Washington, have you ever been convicted of
13 perjury?

14 A. My life is in danger here at this prison.

15 Q. Have you ever been convicted of forgery?

16 A. My life is in danger here at this prison.

17 Q. Have you ever been convicted of passing bad checks?

18 A. My life is in danger here at this prison. I can
19 barely talk. I am being sexually and physically abused
20 by people who are among the lawsuit that you are
21 defending. I can't protect myself. If I had a way to
22 protect myself, then I wouldn't be in danger here, sir.

23 Q. Were you ever convicted --- were you ever convicted
24 of false reports to authorities?

25 A. No. Once you speak, please give me the chance to

1 speak without being disrupted. My life is in danger
2 here at this prison. Sir, I'm being sexually abused
3 and physically abused. I'm being sexually harassed by
4 the exact people you're representing on this lawsuit.

5 Q. Well, it's clear ---.

6 A. Now, I can't protect myself. How else am I
7 supposed to --- am I supposed to die so --- I don't
8 know any other way to be cooperative but to tell you
9 the fact that I am --- my life is in danger. I'm
10 afraid to ---.

11 ATTORNEY DORIAN:

12 It's clear to me --- it's clear to me,
13 Mr. Washington, that you are refusing to answer any of
14 my questions. And I will end this deposition. I will
15 be filing a motion for sanctions seeking dismissal of
16 all your claims against these Defendants. And you will
17 be receiving a copy in the mail. This deposition is
18 now ended. Thank you.

19 * * * * *

20 DEPOSITION CONCLUDED AT 10:42 A.M.

21 * * * * *

22

23

24

25

1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF ALLEGHENY)

3

4 CERTIFICATE

5 I, Candance L. Messich, a Notary Public in and
6 for the Commonwealth of Pennsylvania, do hereby
7 certify:

8 That the foregoing proceedings, deposition of
9 Henry Washington was reported by me on 3/19/2013 and
10 that I Candance L. Messich read this transcript and
11 that I attest that this transcript is a true and
12 accurate record of the proceeding.

13 That the witness was first duly sworn to testify
14 to the truth, the whole truth, and nothing but the
15 truth and that the foregoing deposition was taken at
16 the time and place stated herein.

17 I further certify that I am not a relative,
18 employee or attorney of any of the parties, nor a
19 relative or employee of counsel, and that I am in no
20 way interested directly or indirectly in this action.

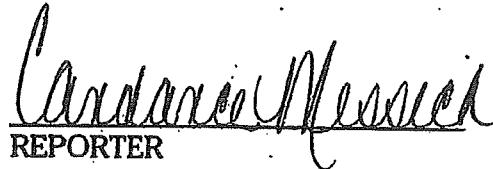
21

22

23

24

25


Candance L. Messich

REPORTER

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Candance L. Messich, Notary Public
Mt. Lebanon Twp., Allegheny County
My Commission Expires Jan. 23, 2016

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES